

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAMEION PERKINS,

Plaintiff,

v.

COUNTY OF MILWAUKEE,
SYLVANA RADMER, and SANDRA
KELLNER,

Defendants.

Case No. 18-CV-179-JPS

ORDER

In this action, Plaintiff complains that he was denied employment with the Milwaukee County Transit System (“MCTS”) because he is the surviving brother of Dontre Hamilton, who was shot and killed by a Milwaukee police officer in 2014. (Docket #1). After his brother’s death, Plaintiff made public statements in support of his brother and critical of the Milwaukee police department. *Id.* He claims that his job application was rejected because Defendants did not want the negative publicity that might come with his employment. *Id.* He asserts violations of his constitutional rights under the First and Fourteenth Amendments, namely violations of his right to freedom of speech, freedom of association, and equal protection. *Id.*

On March 23, 2018, Defendants moved for judgment on the pleadings with respect to the equal protection claim. (Docket #14). They assert that Plaintiff brings a “class-of-one” style claim, and that this form of claim has been expressly rejected in the context of public employment. *Id.*; *Engquist v. Or. Dep’t of Agric.*, 553 U.S. 591, 604–05 (2008). Plaintiff

responded to the motion on April 2, 2018, confessing to the dismissal of his equal protection claim. (Docket #17). The Court will, therefore, grant Defendants' motion. Plaintiff's other claims remain pending.¹

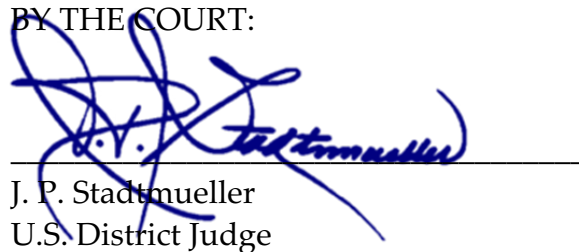
Accordingly,

IT IS ORDERED that Defendants' motion for judgment on the pleadings (Docket #14) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Plaintiff's claim asserted under the Equal Protection Clause of the Fourteenth Amendment (Docket #1 at 6) be and the same is hereby **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 4th day of April, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge

¹Defendants also contend that Milwaukee County is not a proper defendant. (Docket #15 at 1 n.1). They do not ask for any related relief, however. The Court trusts that the parties can come to an agreement regarding the appropriate targets of this lawsuit, and stipulate to any necessary substitutions.